

March 28, 2013

Clerk of Court
U.S. District Court for the
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102 - 3489

FILED
APR X 2 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Re: Angel Fraley vs. Facebook, Inc.
Cause No.: 11-cv-1726 RS

Dear Sir:

I received the attached email advising me that I might be a member of this class action. I have filed a claim which is also attached. My facebook account is associated with email account: tc@juris.cc. I wish to object to the settlement and request the Court to consider the following concerns:

1. According to the Plaintiffs second Amended Petition, Facebook has over 153 million members and over 51 million of them are minors. This lawsuit concerns Sponsored Stories advertising. Some of the class members joined before the launch of Sponsored Stories and some after I believe sub-classes should have been created and each subclass should have separate counsel.
2. This is the second attempt at approval as the Court has previously rejected a Motion for Preliminary Approval on 8/17/2012. The revisions are an improvement but they are still insufficient to warrant approval.
3. The Court owes a fiduciary duty in the settlement phase of a class action.
4. The Court prior order denying approval noted the class to be over 70 million members. The question of how many class members will even bother to file a claim and how many will be entitled to financial compensation is a matter that needs to be closely reviewed by the Court.
5. It is likely that the vast majority of class members will not be eligible of financial compensation and will benefit only, if at all, from injunctive relief.
6. The injunctive relief is overvalued as all Defendant has agreed to do is follow the law.
7. This is in reality still a Cy Pres settlement with minimal financial compensation to class

members.

8. The Cy Press recipients are inappropriate and are not the next best alternative and even with the revisions this still appears to be a nuisance payment by Defendant with the proceeds going to charity and class counsel and no benefit going to the vast majority of class members and class counsel.
9. There has been no attempt to estimate the number of class members eligible for financial compensation.
10. If the Court does approve Cy Pres payments class members should be given a say in the selection.
11. The administrative cost that are to be deducted from the 12.5 Million Dollars class component and are not disclosed.
12. The results obtained do not warrant a 7.5 Million Dollar fees.
13. The amount sought as attorney fees does not fall within the 25% benchmark.
14. This action with a penalty of \$750 per violation has the possibility for a recovery in the Billions, however remote that recovery might be. A settlement of 20 Million Dollars then raised the question of why was this case even brought.
15. The Court should reject this settlement. I reserve the right to make additional comments.

Respectfully submitted,


Thomas L. Cox, Jr
4934 Tremont
Dallas, TX 75214
(469) 531-3313
tcx009@yahoo.com

cc: Fraley v Facebook Inc. Settlement
c/o GCG
P.O. BOX 35009
Seattle, WA 98124-1009

Robert S. Ams
The Ams Law Firm
515 Folsom Street, 3rd Floor,
San Francisco, CA 94104

Michael G. Rhodes, Esq.
Cooley LLP,
101 California Street, 5th Floor,
San Francisco, CA 94111

Tom Cox

From: legalnotice <legalnotice@facebookmail.com>
Sent: Friday, February 01, 2013 5:29 PM
To: Tom Cox
Subject: Re: LEGAL NOTICE OF SETTLEMENT OF CLASS ACTION

NOTICE OF PENDING CLASS ACTION AND NOTICE OF PROPOSED SETTLEMENT

ANGEL FRALEY V. FACEBOOK, INC.

You are receiving this e-mail because you may have been featured in a "Sponsored Story" on Facebook prior to December 3, 2012.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Why did I get this notice? This Notice relates to a proposed settlement ("Settlement") of a class action lawsuit ("Action") filed against Facebook relating to a particular Facebook feature called "Sponsored Stories." According to available records, you may be a "Class Member."

What is the Action about? The Action claims that Facebook unlawfully used the names, profile pictures, photographs, likenesses, and identities of Facebook users in the United States to advertise or sell products and services through Sponsored Stories without obtaining those users' consent. Facebook denies any wrongdoing and any liability whatsoever. No court or other entity has made any judgment or other determination of any liability.

What is a Sponsored Story? Sponsored Stories are a form of advertising that typically contains posts which appeared on facebook.com about or from a Facebook user or entity that a business, organization, or individual has paid to promote so there is a better chance that the posts will be seen by the user or entity's chosen audience. Sponsored Stories may be displayed, for example, when a Facebook user interacts with the Facebook service (including sub-domains, international versions, widgets, plug-ins, platform applications or games, and mobile applications) in certain ways, such as by clicking on the Facebook "Like" button on a business's, organization's, or individual's Facebook page. Sponsored Stories typically include a display of a Facebook user's Facebook name (i.e., the name the user has associated with his or her Facebook account) and/or profile picture (if the user has uploaded one) with a statement describing the user's interaction with the Facebook service, such as "John Smith likes UNICEF," "John Smith played Farmville," or "John Smith shared a link."

What relief does the Settlement provide? Facebook will pay \$20 million into a fund that can be used, in part, to pay claims of Class Members (including Minor Class Members) who appeared in a Sponsored Story. Each participating Class Member who submits a valid and timely claim form may be eligible to receive up to \$10. *The amount, if any, paid to each claimant depends upon the number of claims made and other factors detailed in the Settlement. No one knows in advance how much each claimant will receive, or whether any money will be paid directly to claimants.* If the number of claims made renders it economically infeasible to pay money to persons who make a timely and valid claim, payment will be made to the not-for-profit organizations identified on the Settlement website at www.fraleyfacebooksettlement.com (if clicking on the link does not work, copy and paste the website address into a web browser). These organizations are involved in educational outreach that teaches adults and children how to use social media technologies safely, or are involved in research of social media, with a focus on critical thinking around advertising and commercialization, and particularly with protecting the interests of children.

In addition to monetary relief, Facebook will (a) revise its terms of service (known as the "Statement of Rights and Responsibilities" or "SRR") to more fully explain the instances in which users agree to the display of their names and profile pictures in connection with Sponsored Stories; (b) create an easily accessible mechanism that enables users to view, on a going-forward basis, the subset of their interactions and other content on Facebook that have been displayed in Sponsored Stories (if any); (c) develop settings that will allow users to prevent particular items or categories of content or information related to them from being displayed in future Sponsored Stories; (d) revise its SRR to confirm that minors represent that their parent or legal guardian consents to the use of the minor's name and profile picture in connection with commercial, sponsored, or related content; (e) provide parents and legal guardians with additional information about how advertising works on Facebook in its Family Safety Center and provide parents and legal guardians with additional tools to control whether their children's names and profile pictures are displayed in connection with Sponsored Stories; and (f) add a control in minor users' profiles that enables each minor user to indicate that his or her parents are not Facebook users and, where a minor user indicates that his or her parents are not on Facebook, Facebook will make the minor ineligible to appear in Sponsored Stories until he or she reaches the age of 18, until the minor changes his or her setting to indicate that

his or her parents are on Facebook, or until a confirmed parental relationship with the minor user is established.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
SUBMIT A CLAIM FORM	This is the only way to be eligible to receive a payment, if the Court orders payment to Class Members.	Deadline: May 2, 2013
EXCLUDE YOURSELF	This is the only option that allows you to retain the ability to file your own lawsuit about the legal claims in this case.	Deadline: May 2, 2013
OBJECT	Write to the Court about why you object to (i.e., don't like) the Settlement and think it shouldn't be approved.	Deadline: May 2, 2013
GO TO THE "FAIRNESS HEARING"	<p>The Court will hold a "Fairness Hearing" to consider the Settlement, the request for attorneys' fees and expenses of the lawyers who brought the Action ("Class Counsel"), and the class representatives' request for service awards for bringing the Action.</p> <p>You may, but are not required to, speak at the Fairness Hearing about any Objection you filed. If you intend to speak at the Fairness Hearing, you must follow the procedures stated on the Settlement website to notify the Court and parties of your intent when you serve your Objection.</p>	Hearing Date: June 28, 2013 at 10:00 a.m.
DO NOTHING	You will not receive a payment, even if the Court orders payment to Class Members. You will also be giving up your right to bring your own lawsuit related to the claims in the Action. You may be eligible to receive the non-monetary benefits of the Settlement, if the Settlement is finally approved.	No deadline

Your Class Member Number: 308990732

To Parents and Guardians of Children on Facebook: The Settlement also involves the claims of minors featured in Sponsored Stories on Facebook. Please see the Settlement website for more information.

More information? For more information about the Settlement and how to take the actions described above, please visit www.fraleyfacebooksettlement.com (if clicking on the link does not work, copy and paste the website address into a web browser) or write to the Settlement Administrator at *Fraley v. Facebook, Inc.*, Settlement, c/o GCG, P.O. Box 35009, Seattle, WA 98124-1009, or GCG@fraleyfacebooksettlement.com. You may also contact Class Counsel, Robert S. Arns of the Arns Law Firm, by calling 1-888-214-5125 or by emailing fb.settlement@arnslaw.com.

Fraley v. Facebook, Inc.

Thank you. Your claim has been successfully submitted. Please retain this confirmation for your records.

GCG Claim Number : 1548297
GCG Control Number : 9222776516

Dated: 2013-02-12 14:54:50



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Tom's
Claim